



City of Carmel

MINUTES

Carmel Board of Zoning Appeals

Hearing Officer

Monday, May 18, 2009

5:30 PM

Caucus Rooms

Present: James Hawkins (Hearing Officer)
Connie Tingley (Recording Secretary)

Staff members in attendance: Christine Barton-Holmes, Planning Administrator

Legal Counsel: John Molitor

Public Hearing:

1d. Reed Private Golf Course

The applicant seeks the following special use approval:

Docket No. 09030013 SU Appendix A: Use Table Private Golf Course

The site is located at 12351 West Rd. and is zoned S-1/Residence.

Filed by Eric Gleissner of Civil Site Group, Inc. on behalf of Stuart Reed, owner.

Present for Petitioner:

Brian Tuohy, attorney and **Eric Gleissner**, engineer

- Mr. Reed and family reside at property
- 27 acres plus 7-8 acres recently purchased
- Photos shown of properties
- Currently 4 greens with golf holes, 5 tee boxes and 3 ponds
- Add 3 tee boxes, 2 greens and extend pond onto the 7-acre parcel
- Existing entry off West Road leads to storage barn and dog run
- Five berms added along 500 feet of West Road frontage and mound at southwest corner
 - 400 lineal feet in berms with breaks for drainage and aesthetics
 - About 3 feet high
 - Landscaping of various broad-leaf and pine trees
- Completed project comparable to existing use
 - Set back from road and screened
 - Large tract lots and ponds
 - Substantial investment
- No adverse affect on property
- No affect on traffic
- Only used by family
- Meets conditions of Chapter 21.03 of the Zoning Ordinance
- He felt Special Use not needed for private recreational facility
- Mrs. Hiatt, adjoining neighbor, approved use

Remonstrance:

Thomas B. Edgerton, 12266 West Road, across road

- No objection to golf course as designed
- First holes constructed Spring 2006
- Neighborhood has endured construction mess; photos shown
 - Eyesore across street from his home with trash and equipment
 - Outdoor storage
 - Construction equipment
 - Outdoor storage of construction equipment
 - Issue is continued use of staging area for off-road transportation equipment to support maintenance of golf course
 - Access blocked by City, but knocked down and moved by contractor
 - John Thomas in City Engineering Office indicated not much City could do as long as it is located adequate feet from West Road
- Golf course screened and in good shape
- Equipment staging and storage needs screening
- Solution
 - Berm to screen parts of West Road
 - Vacate curb cut
 - Continue berm to screen any activity in staging area
 - Access only by Reed's driveway
- West Road is popular for dog walkers, runners and walkers

Rebuttal:

Brian Tuohy

- Agree to vacate access drive and remove barn
- During construction access site by temporary drive south of Mr. Edgerton's drive; to avoid existing sprinkler system
- Vacate access after construction and use only existing driveway
- Construction traffic only during installation work
- No high density housing
- Finished course will have pastoral setting
- Propose time period of six months for installation
- Remove existing access driveway on Mr. Reed's property
- Install temporary driveway south of Mr. Edgerton's house; shut after construction
- Garage and staging area would be gone

Department Report: Christine Barton-Holmes

- Special Use for extent of work being done
- City Engineering working through drainage
- Urban Forester working on tree species
- Overall landscaping plan approved
- Impact potential to be minimal

Department recommended positive consideration

Discussion:

- Vacate current drive immediately or within 6 months
- 90 days needed to move to south entrance
- Then 90 days to vacate second entrance
- Additional berms and trees
- Breaks in berms for drainage

Action: Mr. Hawkins APPROVED Docket No. 09030013 SU, Reed Private Golf Course, with **Commitments** (based on final approvals) to vacate current access drive within three months, vacate new temporary access drive within six months and raze barn within six months

Result: Mr. Edgerton stated height of berms only issue with staging area. If curb cut vacated and barn removed, berms would not be necessary.

2d. Taylor Home Addition

The applicant seeks the following development standards variance approval for a patio addition:

Docket No. 09050004 V Section 25.01.01.B.3.b.i(b) Encroachment into easement

The site is located at 13751 Deer Ridge Place and is zoned S1/Single-Family Residential
Filed by Jon Dobosiewicz of Nelson & Frankenberger for the Taylors.

Present for Petitioner:

Jon Dobosiewicz, Nelson & Frankenberger and **Curt Taylor,** owner

- Reviewed packet
- Photo of location
- Within Valleybrook Subdivision
- Adjacent to Mitchener Ditch
- 75-foot statutory legal drain easement
- April 27, 2009 Hamilton County Drainage Board approved non-enforcement of the easement to allow filling in area
- Carmel's Ordinance requires outside easement plus 3 feet
 - Does not recognize jurisdictional authority over easement has released the owner
 - Making both approvals necessary
- Photo showing area to be filled in to allow outdoor kitchen, seating and covered seating area
- Encroachment no further than what Drainage Board granted under the non-enforcement

Public Hearing closed

Department Report: Christine Barton-Holmes

- Sought County approval as recommended
- Practical difficulty with width of easement and wooded area taking majority of backyard
 - Any construction nearly impossible without variance

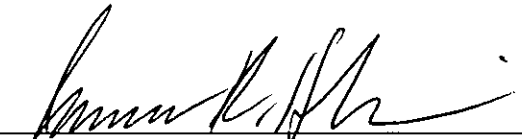
Department recommended positive consideration

Action: Mr. Hawkins APPROVED Docket No. 09050004 V, Taylor Home Addition, encroachment into easement.

Adjournment:

The Hearing Officer adjourned the meeting at 6:08 PM.

Approved this 22 day of June 2009.


Hearing Officer – James Hawkins


Secretary – Connie Tingley